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October 22, 2014

VIA ECF AND FACSIMILE (212) 805-7986

Hon. Paul G. Gardephe
U.S. District Court, Southern District of New York
40 Foley Square, Courtroom 705
New York, N.Y. 10007

RE: *MCC Non Ferrous Trading Inc. v. AGCS Marine Insurance Company*
Case No.: 14 Civ. 8302 (PGG)(JF)
NHS File No.: 42000101 JAVN/NN/KJO

Dear Judge Gardephe:

We represent defendant AGCS Marine Insurance Company in the above-captioned action. We respectfully submit the attached joint Stipulation and proposed Order extending AGCS' time to answer, move or otherwise respond to the Complaint, except for any objections to the improper service of the Summons and Complaint, to and including December 9, 2014.

As required by paragraph 1(D) of Your Honor's Individual Rules of Practice in Civil Cases, AGCS states: (1) the current deadline for AGCS to answer, move, or otherwise respond to the Complaint is November 10, 2014; (2) the length of time requested for the extension is through December 9, 2014; (3) there have been no previous requests for an extension; (4) the reason for the current request is, in lieu of plaintiff effecting formal service of the Summons and Complaint, the undersigned counsel for AGCS agreed to accept service of the Summons and Complaint and the undersigned counsel has just been retained to represent AGCS and would request a sufficient opportunity to review and prepare for the representation; and (5) Plaintiff consents to the request.

October 22, 2014

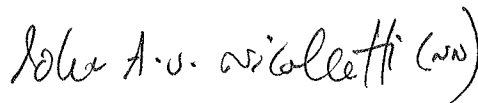
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Accordingly, we respectfully attach the joint Stipulation and proposed Order for Your Honor's consideration. A copy of the Stipulation and proposed Order has been submitted to the Orders and Judgments Clerk.

Respectfully,

NICOLETTI HORNIG & SWEENEY

By:

A handwritten signature in black ink, appearing to read "John A. V. Nicoletti (ws)".

John A. V. Nicoletti

JAVN/NN/mm
Attachment

cc:

VIA ECF AND E-MAIL

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MCC NON FERROUS TRADING INC.,

Plaintiff,

- against -

AGCS MARINE INSURANCE COMPANY,

Defendant.

X

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X

14-CIV-8302 (PGG)(JF)

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned that counsel for Defendant AGCS MARINE INSURANCE COMPANY has agreed to accept service of Plaintiff's Summons and Complaint, and, in fact, has accepted service without waiving any defenses except as to the sufficiency of service of process; and

IT IS FURTHER STIPULATED AND AGREED that Defendant AGCS MARINE INSURANCE COMPANY's time to answer, move or otherwise respond to the Complaint, except as to any objections to improper service of the Summons and Complaint, is hereby extended to and including December 9, 2014. There have been no prior extensions or requests therefor.

Dated: October 22, 2014

NICOLETTI HORNIG & SWEENEY

By: John A. V. Nicoletti
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SO ORDERED:

U.S.D.J.